

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re

THE MT DISTILLERY LLC,

Debtor.

Case No. **9:24-bk-90081-BPH**

ORDER

Debtor filed an Amended Plan of Reorganization for Small Business Under Chapter 11 on October 22, 2024, at ECF No. 55 (“Plan”). The Plan and a ballot conforming generally to Official Form 314 was served on all creditors, equity security holders, and other parties in interest according to the date fixed by the Court pursuant to Fed. R. Bankr. P. 3017.2. The Plan Ballot Summary filed at ECF No. 62 indicates that only one creditor returned a ballot, and it rejected the Plan. The other creditors did not vote. However, two of the nonvoting creditors in class 2 and class 3 subsequently entered a stipulation that would resolve their objections to the Plan and allow confirmation of the Plan pursuant to 11 U.S.C. § 1191(b). At the hearing, the Subchapter V Trustee urged confirmation pursuant to 11 U.S.C. § 1191(b), indicating confirmation was in the best interests of creditors and noting that concerns raised early in the case were addressed with provisions that would adequately protect creditors in the event of default.

Upon review, the Court concludes that the Plan includes all information required under 11 U.S.C. § 1190(a). The Court also concludes that the Plan meets the applicable requirements of 11 U.S.C. § 1129(a) (other than paragraphs (8), (10), and (15) of that section). Finally, the Court concludes that the Plan does not discriminate unfairly and is fair and equitable with respect to each class of claims or interests that is impaired under and has not accepted the Plan. Accordingly,

IT IS ORDERED the stipulation at ECF No. 63 is approved.

IT IS FURTHER ORDERED that pursuant to 11 U.S.C. § 1191(b) the Plan is confirmed.

IT IS FURTHER ORDERED that pursuant to 11 U.S.C. § 1192, Debtor is entitled to move for a discharge upon completion of all payments required under the Plan.

Dated December 16, 2024.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "B. Hursh", with a long horizontal flourish extending to the right.

Hon. Benjamin P. Hursh
United States Bankruptcy Court
District of Montana